

Read 8 March 1726
Enacted 12 Geo. I. Public Acts, c. 39.

[1]

12 Geo. I. c. 39.

(7)



A BILL for making Provision for the
Rector of St. Mary le Strand, in the County of
Middlesex.

WHEREAS by an Act of Parliament, made and passed in the ninth Year of her late Majesty's Reign, Entituled, *An Act for granting to her Majesty several Duties upon Coals, for building Fifty New Churches in and about the Cities of London and Westminster, and Suburbs thereof, and other Purposes therein mentioned*, several Duties were granted unto her said Majesty, heir Heirs and Successors, upon Coals and Culm, which should be imported and brought into the Port of the City of London, or the River of Thames, within the Liberty of the said City, from the fourteenth Day of May, One Thousand Seven Hundred and Sixteen, to the twenty ninth Day of September, One Thousand Seven Hundred and Twenty-four; and the Monies which should be raised by such Duties were, by the said Act, appropriated, and directed to be issued, applied, and disposed for the building the said Fifty New Churches with Towers or Steeples to each of them; and for purchasing of Scites of Churches and Church-yards, and Burying-places, in or near the said Cities, or the Suburbs thereof; and for purchasing Houses for the Habitation of the Ministers of the said Churches: And her said Majesty was, by the said Act, impowered to constitute and appoint, by Letters Patent, Commissioners for executing the Powers of the said Act for the Purposes aforesaid.

And whereas by another Act made and passed in the tenth Year of her said Majesty's Reign, Entituled, *An Act for enlarging the Time given to the Commissioners, appointed by her Majesty, pursuant to an Act for granting to her Majesty several Duties on Coals, for building Fifty New Churches in and about the Cities of London and Westminster, and Suburbs thereof, and other Purposes therein mentioned; and also for giving the said Commissioners farther Powers for the better effecting the same, and for appointing Monies for Re-building the Parish Church of St. Mary Woolnoth in the City of London*, it was enacted, That there should be a Rector of every New Church and Parish, to be made or constituted pursuant to the said Act, and a perpetual Succession of Rectors there to have the Cure of the Souls of the Inhabitants of such new Parish: And, That in every such new Church and Parish (except Chapels made Parochial Churches) the first Rector should be nominated and appointed by her said late Majesty: And the said Commissioners were, by the said Act, impowered to treat and agree with the Patrons of the then present Church in every Parish, from which any Part should be divided, for the more effectual dividing and separating the then present Parish, and the Tythes, Oblations, Dues and Revenues belonging to the then present Church, and the Charges and

A

and Dependencies thereof; and for apportioning the same, such Division and Separation to take Place and Effect from, and after the first Avoidance of such then present Church; and for ascertaining and settling, for ever, the Right of Patronage of every new Church. And it was by the said Act farther enacted and declared, that it should, and might be lawful, to and for her said late Majesty, her Heirs and Successors, in the mean time, and until such Agreement and Settlement, concerning the Patronage, could be made to name, from Time to Time, the Rector of such new Churches to succeed therein.

And whereas, By another Act made and passed in the twelfth Year of her said late Majesty's Reign, Entituled, *An Act to vest in the Commissioners for building Fifty New Churches in and about London and Westminster, and Suburbs thereof, as much of the Street near the May-Pole in the Strand, in the County of Middlesex, as shall be sufficient to build one of the said Churches upon, and for restoring to the Principal and Scholars of King's Hall and College, of Brazen-Nose, in the University of Oxford, their Right of Presentation to Churches and Chapels in Stepney Parish*, It was enacted, That a certain Portion of a waste Piece of Ground, in the broad Part of the Strand, in the County of Middlesex, where the late Watch-house and May-Pole stood, should be, and was thereby vested in the said Commissioners, their Heirs and Assigns for ever, and appropriated for building one of the said Fifty New Churches upon: And it was by the said Act declared, that such Church, then to be erected as aforesaid, should, from, and after the finishing thereof, be deemed, and taken to be one of the said Fifty New Churches.

And whereas, By another Act made in the first Year of his present Majesty's Reign, Entituled, *An Act for making Provision for the Ministers of the Fifty New Churches, which are to be built in and about the Cities of London and Westminster, and Suburbs thereof, and for the re-building and finishing the Parish Church of St. Mary Woolnoth, in the City of London*, there was granted to his Majesty (over and above all Impositions and Duties) a Duty of three Shillings per Chaldron for all Sorts of Coals and Culm, which, from and after the twenty seventh Day of September, One Thousand Seven Hundred and Twenty Four, and before the twenty eighth Day of September, One Thousand Seven Hundred and Twenty Five, should be imported or brought into the Port of the City of London, or the River of Thames, within the Liberty of the said City (except as therein is excepted) and the Monies arising thereby, were, by the said Act appropriated for, and towards the providing due Maintenance for the Ministers to attend the Service of God in the New Churches, to be erected pursuant to the said former Acts, and were appointed to be for that Purpose issued, applied, and disposed in such Manner as should thereafter be directed by Parliament: And by the same Act it was farther enacted, that it should, and might be lawful for his Majesty, his Heirs and Successors, by Letters Patent, under the Great Seal of Great Britain, from Time to Time, to nominate, constitute, and appoint such Persons as his Majesty, his Heirs and Successors, should think fit to be Commissioners, who, or any five, or more of them, should have Power to execute all, and every the Powers, Matters, and Things, in and by the said several Acts appointed to be done and performed.

And whereas, In Pursuance of the said last recited Act his Majesty did, by his Letters Patent, under the Great Seal of Great Britain, bearing Date the second Day of December, in the second Year of his Reign, constitute and appoint the several Persons therein named, to be Commissioners for the Purposes in the said several Acts of Parliament mentioned.



And

And whereas by another Act made in the fifth Year of his Majesty's Reign; Entituled, *An Act for Continuing certain Duties on Coals, and Culm, and for Establishing certain Funds, to raise Monies, as well to proceed in the Building of New Churches, as also to compleat the Supply granted to his Majesty, and to reserve the Over-plus Monies of the said Duties for the Disposition of Parliament, and for more effectual Suppressing private Lotteries*: Reciting the several before recited Acts of Parliament, and further reciting that out of the said Duties on Coals and Culm, or out of Monies lent upon Credit of the same several considerable Sums, amounting in the Whole to 161,175 *l.* 16 *s.* 7 *d.* had been raised and issued for the Buildings, Repairs, and other Purposes prescribed in, or by the said recited Acts; and the Buildings of some of the New Churches, and the Repairs thereby appointed, had been begun, and some Scites, Burying-Places, and Ministers-Houses, had been purchased, and contracted for, and other Charges born, and Payments made; and that the Charge of the said Buildings and Repairs had been so excessive, that over and above the Monies then issued, a great Debt was owing to Workmen and others for the same; and that it evidently appeared, that in Case the Expence of the said Buildings and Repairs should proceed, and be carried on, at, or near the same excessive Rates, the whole Produce of the said Duties, during the said Time or Times to come, therein, by the said former Acts (though such Produce far exceeded the original Estimates made for building the said new Churches and Repairs) would be very deficient for those Purposes, and might probably, at the End of the said Terms, leaves a great Debt for Work and Materials unprovided; and that it was computed or estimated, that the said Duties laid by the said former Acts on Coals and Culms, to be imported as aforesaid, between *Lady-day*, One Thousand Seven Hundred and Nineteen, and the said Twenty Eighth of *September* One Thousand Seven Hundred and Twenty Five, might amount in the Whole to the Sum of 360,000 *l.* and that if the Terms in the said Duties were enlarged so, as to make up thirty two Years from *Lady-day*, One Thousand Seven Hundred and Nineteen, the said Sum of 360,000 *l.* might be raised for the Purposes aforementioned, as in the said Act was afterwards provided, upon a particular yearly Fund or Security in that Behalf. It was Enacted, That for all Sorts of Coals and Culm, which from, and after the Twenty Seventh Day of *September*, One Thousand Seven Hundred and Twenty Five, and before the Feast of the *Annunciation of the Blessed Virgin Mary*, which shall be in the Year of our Lord, One Thousand Seven Hundred and Fifty One, should be imported and brought into the Port of the City of *London*, or the River of *Thames*, within the Liberty of the said City, there should be paid to his Majesty, His Heirs, and Successors, by Way of Imposition thereupon, over and above all other Impositions and Duties, for all such Sorts of Coals and Culm as are usually sold by the Chaldron, for every Chaldron thereof, the Sum of Three Shillings, and for such Sort of Coals as are sold by the Ton, for every Ton thereof, the Sum of Three Shillings (except as therein is excepted) for raising the Sum of Three Hundred and Sixty Thousand Pounds, by the said Act appropriated (so far as the same will extend) for, and towards the Building and Finishing of Churches, purchasing Scites, Church-yards, Burying-Places, and Houses for Ministers, repairing the Collegiate Church of *St. Peter's Westminster*, finishing *Greenwich Hospital*, and the Chapel thereunto belonging, and making Provision for Ministers, according to the true Intention of the said former Acts; and it was thereby further Enacted, That yearly, and every Year, from, and after the Feast of the *Annunciation of the Blessed Virgin Mary*, One Thousand Seven Hundred and Nineteen, for, and during the Term of thirty two Years, from thence next ensuing, the full Sum of Twenty One Thousand Pounds, by, or out of the Monies, of, or for the several Duties on Coals and Culm by the said Act appropriated as aforesaid, should be a particular Fund and Security, for answering and paying as well the Principal as the Interest of the said Sum of Three Hundred

Hundred and Sixty Thousand Pounds, for the said Purposes, in such Course, Manner, and Form as in the said Act is prescribed.

And by the same Act it was Enacted, That it should and might be lawful, to, and for the Commissioners of the Treasury, or any Three, or more of them, to direct Loans to be made on the Credit of the said Fund of Twenty One Thousand Pounds *per Annum*, for any Sum or Sums of Money, not exceeding, in the Whole, the Sum of Three Hundred and Sixty Thousand Pounds, in such Manner as is therein particularly prescribed or set forth, and also to issue and pay out of the Monies, to arise by Way of Loan on Credit of the said particular Fund, except so much of the same particular Fund as was to be applied to the Payment of the Principal, and Satisfaction of the Interest of the Loans to be made on the same as aforesaid) such Sum and Sums of Money as should be thought meet and necessary by the said Commissioners appointed or to be appointed, to take care of the said Buildings, as aforesaid, or any Five or more of them, for the Buildings, Repairs, and other Services beforementioned; in which last mentioned Act, is contained a Proviso, that the Principal of such Loans, together with the Monies (if any such should be) which should be supplied out of the said particular Fund itself, for the Purposes aforesaid, should not, in the Whole, exceed the said Sum of Three Hundred and Sixty Thousand Pounds.

And whereas pursuant to the said Act of the Twelfth Year of her said late Majesty's Reign, there hath been built one Church in the *Strand*, in the said County of *Middlesex*, called the Church of *St. Mary le Strand*, which was consecrated the First of Day of *January*, *Anno Domini* One Thousand Seven Hundred and Twenty Three, and *John Heylyn* Master of Arts hath, by his Majesty, been nominated and appointed Rector thereof: And in Pursuance of the said Act of the Tenth Year of her said late Majesty, a District or Division of a new Parish hath been appointed by the said Commissioners for the said new Church in the *Strand*.

And whereas Divine Service hath been duly performed in the said Church, from the Time of the Consecration thereof beforementioned, and there hath not been, nor is any Provision, or Maintenance, or House, settled or appointed for the Minister of the said new Church, and the said Parish is of small Extent, incapable of Improvement and inhabited chiefly by Tradesmen.

To the End therefore, That a due Maintenance may be provided for the said *John Heylyn*, and his Successors, attending the Service of God in the said New Church, according to the true Intention of the said former Acts of Parliament, at the humble Suit of the said *John Heylyn*, and of the Vestrymen, and others the principal Parishioners and Inhabitants of the said Parish of *St. Mary le Strand*.

May it please your most Excellent MAJESTY, That it may be Enacted, And be it Enacted, by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, And by the authority of the same, That for, and towards raising the said Maintenance the Sum of

Part of the said Sum of Three Hundred and Sixty Thousand Pounds, appointed to be raised as aforesaid, shall be allotted and appointed for, and as the Share or Interest which the Rector for the Time being, of the said Parish Church of *St. Mary le Strand*, shall have and be

be entituled to, out of the said Sum of Three Hundred and Sixty Thousand Pounds; and the Treasurer for the Time being, of the said Commissioners, is hereby required and authorized, by and out of the Monies which are or shall be issued to him, out of the Monies arising by the said Loans, or the said particular Fund, by vertue of the said last recited Act of Parliament, forthwith, or as soon as conveniently may be, to lay out and dispose of the said Sum of or any Part thereof, according to such Orders and Warrants as he shall receive from Time to Time, from the said Commissioners, or any or more of them, in purchasing Lands, Tenements, Feefarm-Rents, Ground-Rents, or other Hereditaments, in Fee-simple, to be conveyed to, and settled upon, and to the Use of the said Rector of the said New Church, for the Time being, and his Successors in the said Church, for ever, for and towards his and their Maintenance: And, in the mean time, to place out the same, or any Part thereof, according to such Orders and Warrants as he shall receive from Time to Time, from the said Commissioners, or any or more of them, on real Security or Securities, or publick Funds, or Loans upon Credit of the said 21,000 *l. per Annum*, and to pay the Interest and Produce thereof, unto the Rector of the said Church for the Time being, from Time to Time, as the same shall be received for and towards such Maintenance as aforesaid.

And be it further Enacted, by the Authority aforesaid, That for and towards a farther Provision for the said Rector for the Time being, of the said Parish Church of *St. Mary le Strand*, yearly, and every Year, the Sum of shall be

upon the Inhabitants and Occupiers of the Houses, Tenements, Grounds, and Hereditaments, (except the Rector for the Time being, and such Persons as are not rated to the Poor) within the District and Division appointed for the said Parish of *St. Mary le Strand*, in Manner as is herein after directed; and for that Purpose it shall and may be lawful, to and for the Rector, Church-Wardens, and Vestry, of the said Parish of *St. Mary le Strand*, for the Time being; and they are hereby required and impowered yearly, on

for ever, or at any Time within

after, upon Notice thereof publicly given in such Parish Church, immediately after divine Service, upon *Sunday* next before, to make, or cause to be made upon all the Inhabitants of Houses, Tenements, Coach-Houses, Stables, Sheds, Vaults, Wharfs, Curtilages, Grounds, and Hereditaments, within the Limits of the said Parish (except as is before excepted) for raising, by an equal Pound-Rate, such yearly Sum as is hereby appointed, as aforesaid, for the Maintenance of the Rector of the said Church, and his Successors; and so much Money as shall make good any former if any Loss or Deficiency shall happen therein: And in case the said Rector, Church-Wardens, and Vestry, shall refuse or neglect to make such within the Space of

days that then it shall and may be lawful, to and for the said Church-Wardens alone; and they are hereby required and impowered, at any Time within Days after such Refusal or Neglect, to make such as aforesaid.

And be it further Enacted, by the Authority aforesaid, That if the said Church-Wardens, or either of them, in such Cases as aforesaid, shall refuse or neglect to make the said or Rates, within the said Space of Days, he or they so refusing or neglecting, shall

And be it further Enacted, by the Authority aforesaid, That the said shall be confirmed and allowed by, and under the Hands and Seals of Justices of the Peace of the County of *Middlesex*, which they are hereby authorized and required to allow; and all such Sum and Sums of Money so shall be yearly paid to, and received and collected by such Person or Persons, as by the Vestry, or in their Default, by the Church-Wardens, in Writing, under their Hands and Seals, shall be nominated, and for whom the Parish shall be answerable, by Payments, at the Feasts of

by even Portions; the first Payment to begin and be made at such of the said Feasts as shall next happen after such and such Collector or Collectors, so appointed as aforesaid, shall answer and pay the said yearly to the said Rector for the Time being as aforesaid, or within after.

And it is hereby further Enacted, by the Authority aforesaid, That if any Person or Persons, who shall be so when such Sum or Sums shall become due or payable, shall refuse or neglect to pay such Sum or Sums of Money, on him, her, or them, as aforesaid; it shall or may be lawful, for the Collector or Collectors thereof, by Warrant under the Hands and Seals of Justices of the Peace of the County of *Middlesex*

And be it further Enacted, by the Authority aforesaid, That if any Variance or Doubts shall happen to arise, about any Sum so as aforesaid; or that any Person or Persons, shall find him, her, or themselves, grieved with any made by vertue of this Act, then, upon Complaint made, and due Notice of such intended Complaint in Writing, within Days after Demand of the said Monies given to such Collector, or one of them, the Justices of the Peace of the said County of *Middlesex*, at their next Quarter-Sessions, are hereby required and impowered, to hear, settle, and determine the same as they shall think meet; which Determination shall be final.

And it is hereby further Enacted, by the Authority aforesaid, That where any Lands, Houses, or Hereditaments, shall be unoccupied at the Time of making any such and also where any Inhabitant or Occupier shall remove, during the Continuance of such the Money in respect of such Houses or Hereditaments

ments, not exceeding

as shall afterwards, during such
 pier thereof, subject nevertheless to such Right of Complaint or Relief as afore-
 said.

shall and may be
 as aforesaid, on such Person and Persons
 become Tenant or Occu-
 pier thereof, subject nevertheless to such Right of Complaint or Relief as afore-
 said.

And for the better ascertaining such
 as aforesaid, Be it further Enacted, by the Authority aforesaid, That the
 Church-Wardens of the said New Church, within Days next
 after every such made, and the respective Appeals (if any be)
 determined, shall make, or cause to be made, two Transcripts thereof in Parch-
 ment, and subscribe the same : And within Days next after such
 Subscription, as aforesaid, shall deliver one of the said Transcripts to the Rector
 of the said Church for the Time being ; and the other of them shall be set up
 for the Space of Weeks, in the most publick Place in the said
 Church, to which Resort may be best had ; and afterwards remain in the Vestry
 of such New Church respectively.

And be it further Enacted, That the yearly Pound-Rate, to be levied as
 aforesaid, shall commence from

And it is hereby Enacted and Declared, by the Authority aforesaid,
 That the Sum of allotted as aforesaid, and the yearly
 Sum of to be
 as aforesaid, shall be and continue, and be esteemed, deemed and taken, to all
 Intents and Purposes, to be the annual Maintenance of the Rector of the said
 New Parish for the Time being, and his Successors, over and above such Surplice
 Fees and Perquisites, as do belong to such Rector ; and the House for the
 Habitation of such Rector ; and over and above all Gifts and Bequests, to such
 Rector for the Time being, or to his Successors, or to other Persons for his or
 their Use.